

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR DEPARTURES
ABOVE THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553¹
Fiscal Year 2005, Post-*Booker* (January 12, 2005, through September 30, 2005)**

REASONS	Number	Percent
18 U.S.C. § 3553(a)	24	18.0
Criminal history issues	16	12.0
Extreme conduct (§5K2.8)	11	8.3
Excerpt from 18 U.S.C. § 3553(a)	10	7.5
General aggravating circumstances (§5K2.0)	9	6.8
<i>US v Booker</i> / <i>US v Fanfan</i>	7	5.3
Insufficient documentation provided on SOR to determine reason	6	4.5
Judge specifies presence of variance	5	3.8
Public welfare (§5K2.14)	4	3.0
Deterrence	4	3.0
Reasonableness	4	3.0
Extreme psychological injury (§5K2.3)	3	2.3
Adequate punishment to meet purposes of sentencing	3	2.3
Incapacitation	3	2.3
Nature and Circumstance of offense/history of defendant	2	1.5
Reflect seriousness of offense/promotes respect for law/just punishment	2	1.5
Weapons/dangerous instrumentalities (§5K2.6)	2	1.5
Dismissed and uncharged conduct (§5K2.21)	2	1.5
Further obstruction of justice (§3C1.1)	2	1.5
Advisory nature of guidelines	2	1.5
Other	12	9.0
TOTAL	133	100.0

¹Of the 53,674 cases, 36 were sentenced with departures above the guideline range with *Booker* / 18 U.S.C. § 3553(a). Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 133 reasons were cited for the 36 cases, including 6 cases where the SOR was received but there was insufficient documentation provided to determine the reason. The 'Other' category includes all reasons cited fewer than two times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-*Booker* Only Cases (January 12, 2005, through September 30, 2005).